## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS SHERMAN DIVISION

GEORGE MORRIS,	§	
	§	
Plaintiff,	§	
	§	
	§	
VS.	§	Cause No. 4:16-cv-208
	§	
	§	
RESTORED INVESTMENTS, LLC;	§	
PELLA CORPORATION,	§	
	§	
Defendants.	§	
	§	

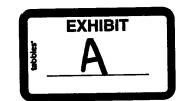
## **INDEX OF STATE COURT PLEADINGS AND DOCUMENTS**

Defendant Pella Corporation files its Index of State Court Pleading and

Documents, and states:

<u>Exhibit</u> <u>D</u>	<u> Date</u>
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1.	Petition: Small Claims Case;	02/19/2016
2.	Affidavit: Section 201(b) (Restored Investments); Affidavit: Section 201(b) (Pella Corp.)	02/19/2016
3.	Justice Court Civil Case Information Sheet	02/19/2016
4.	Money Order and Citation to "Restored Investments"	02/29/2016
5.	Money Order and Citation to "Pella Corp"	02/29/2016
6.	Officer's Return; Invoice; and Petition	03/08/2016
7.	Defendant's Pella Corporation's Original Answer	03/16/2016
8.	Defendant Restored Investments, LLC Original Answer	03/21/2016



#### Respectfully submitted,

/s/ C. Michael Moore C. Michael Moore State Bar No. 14323600 c.michael.moore@dentons.com Kelley C. Cox State Bar No. 24092291 kelley.cox@dentons.com Dentons US LLP 2000 McKinney Avenue, Suite 1900 Dallas, TX 75201-1858 (214) 259-0900 -- Telephone (214) 259-0910 -- Facsimile Alan H. Silberman Sate bar No. 2603721 alan.silberman@dentons.com 233 South Wacker Drive, Suite 5900 Chicago, IL 60606-6361 (312) 876-8000 -- Telephone (312) 876-7934 -- Facsimile

ATTORNEYS FOR DEFENDANT PELLA CORPORATION.

Case 4:16-cv-00208-ALM-CAN	Document 1-2	Filed 03/25/16	Page 3 of

## **PETITION: SMALL CLAIMS CASE**

CASE NUMBER (Court Use Only):31-SC-16-00050

**EXHIBIT** 

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City	State	Zip	Phone		
VS.	ouce	шр		JUSTICE OF TH PRECINC	
Defendant(s):	Restored !	Investmen	te 160		
Defendant(3).	.x	ne M Ferra		COLLIN COUNT	ΓY, TEXAS
		263-4880	NIC	Servico: Den \$75 = JA - 4 : 97 217 N. Oa	ten Count
Address: Z30	o Pinehurst			\$75- UP-7:71	1 Cl
Flower /		75028	Denton	217 N. OA	K 31.
City	State	Zip	County	Roanoke 7	X 76
RELIEF: Plaintif described as follo	f seeks damages in ows (be specific): _ intiff seeks the follo	the amount of \$owing:	750000, and/or	return of personal property, which has a value of \$11 + \$75 -	erty as of \$ <u>h/4</u> \$ 75
Additionally, pla		·			
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CECHNOLIC COURT
JUSTICE COURT PCT. 3-1
COLLIN COUNTY, TEXAS

### **PETITION: SMALL CLAIMS CASE**

CASE NUMBER (Court Use Only):31-SC-16-00 50

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City	State	Zip	Phone	IN THE JUSTICE COL
VS.	state	zip	rnone	JUSTICE OF THE PEAC PRECINCT 3-1
	y Serving: حص	rporation S	ervice Company	COLLIN COUNTY, TEX
Address: ZII Austin	hone: 866. E 744 3		12 / e 620 01-3218	Constable Carlos PO Box 1748
City	State	Zip	County	Austin TX 7
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Case 4:16-cv-00208-ALM-CAN	Document 1-2	Filed 03/25/16	Page 5
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# CASE NO. 31 SC 16-00050

		AFFIDAVIT SECTION 201 (b)	
Plair	ntiff b	being duly sworn on oath deposes and says that defendan	t (s):
lst Defend	ant P	AFFIDAVIT SECTION 201 (b) being duly sworn on oath deposes and says that defendan (Please check the ONE that applies, sign below as Plaintiff and have this form Notarized)  is NOT in the military.  is NOT in a family and/or	
estored	[ ]	is NOT in the military.	
Investments		is NOT on active duty in the military and/or	20
	[ ]	is NOT in a foreign country on military service	五五
	[ ]	is NOT in a foreign country on military service.  is on active military duty and/or is subject to the Servicemembers Civil Relief Act of 2003.  defendant has waived his rights under the Servicemembers Civil Relief Act of 2003.	FILED PM 3: 10
	[]	defendant has waived his rights under the Servicemembers Civil Relief Act of 2003.	3:10
	[ 4	military status is unknown at this time.	
Sworn to a	nd su	PLAINTIFF  ubscribed before me on the 19th day of Feb.	, 20 <u>1</u> 6
STATE OF COUNTY C			
NOTARY PU	BLIC	C SIGNATURE SEAL SEAL SEAL SEAL SEAL SEAL SEAL SEA	
K	SC	OR STICE CHARLES TEXAS	
CLERK OF T	THE C	COURT CLERK SEAL	
	-		

Penalty for making or using false affidavit — a person who makes or uses an affidavit knowing it to be false, shall be fined as provided in the Title 18 United States Code, or imprisoned for not more than one year, or both.

# CASE NO. 31-31 6C 16 00050

## AFFIDAVIT SECTION 201 (b)

P	laintiff being duly sworn o	on oath deposes and says that defe	ndant (s):
Ind Vefer	dant: (Please check the ON and ha	on oath deposes and says that deferse.  LE that applies, sign below as Plainting the this form Notarized)  ilitary.  e duty in the military and/or	ff
pella	[ ] is NOT in the m	ilitary.	
och-	[ ] is NOT on active	e duty in the military and/or	
<i>,</i>	[ ] is NOT in a fore	ign country on military service.	
	[ ] is on active mili- Servicemembers	tary duty and/or is subject to the Civil Relief Act of 2003.	
	[ ] defendant has w Servicemembers	aived his rights under the Civil Relief Act of 2003.	2016 FEB 19 JUSTICE COL
	[ ] military status i	s unknown at this time.	B 19 PM
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Penalty for making or using false affidavit -- a person who makes or uses an affidavit knowing it to be false, shall be fined as provided in the Title 18 United States Code, or imprisoned for not more than one year, or both.

Case 4:16-cv-00208-ALM-CAN Document 1-2 Filed 03/25/16 Page 7 of 21\_PageID #: 13

## JUSTICE COURT CIVIL CASE INFORMATION SHEET (4/13)

EXHIBIT

3

CAUSE NUMBER (FOR CLERK USE ONLY): 31 SC 16-16-60050

STYLED

(e.g., John Smith v. All American Insurance Co; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition is filed to initiate a new suit. The information should be the best available at the time of filing. This sheet, required by Rule of Civil Procedure 502, is intended to collect information that will be used for statistical purposes only. It neither replaces nor supplements the filings or service of pleading or other documents as required by law or rule. The sheet does not constitute a discovery request, response, or supplementation, and it is not admissible at trial.

1. Contact information for person completing case info sheet:	nation 2. Name	of parties in case:
Name: Telephone:	Plaintiff(s)	eoge Morris
Name: George Morris  Address: PO Box 86409   Fax:  City/State/Zip: State Bar No:  Plano TX 75086 D  Email:  DWC, Violations G gmail.cov  Signature: Signature:	n B	s): stored Investments UC la Corporation tional page as necessary to list all parties]
3. Indicate case type, or identify the most important iss	e in the case (select o	only I):
Debt Claim: A debt claim case is a lawsuit brought to recover a debt by an assignee of a claim, a debt collector or collection agency, a financial institution, or a person or entity primarily engaged in the business of lending money at interest. The claim can be for no more than \$10,000, excluding statutory interest and court costs but including attorney fees, if any.	possession of real pro A claim for rent ma amount of rent due	riction case is a lawsuit brought to recover operty, often by a landlord against a tenant. By be joined with an eviction case if the and unpaid is not more than \$10,000, terest and court costs but including attorney
Repair and Remedy: A repair and remedy case is a lawsuit filed by a residential tenant under Chapter 92, Subchapter B of the Texas Property Code to enforce the landlord's duty to repair or remedy a condition materially affecting the physical health or safety of an ordinary tenant. The relief sought can be for no more than \$10,000, excluding statutory interest and court costs but including attorney fees, if any.	the recovery of mo	A small claims case is a lawsuit bought for oney damages, civil perfalties, personal of allowed by law. The cam case for no excluding statutor interest, and court costs fees, if any.

Case 4:16-cv-00208-ALM-CAN Document 1-2 Filed 03/25/16 Page 8 of

**EXHIBIT** 

Personal Money Order

Void After 90 Days

No. 1674603231

30-1/1140

Signature of Purchaser (Drawer

Plano TX 15086 semme Morris -Name of Purchaser (Drawer) POB 86401

> Bank of America is not liable for lost or stolen Money Orders. For your protection against loss or theft, sign and complete this Money Order as soon as possible

PLAN0

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Not Valid Over \$1,000

SAMPHOE GERON CARE DEVOEN COR DECLA

Address

City, State, Zip

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SKANTONIO, TX of America, N.A.

#### Cause No. 31-SC-16-00050

GEORGE MORRIS	§	IN THE JUSTICE COURT
VS.	§	PRECINCT 3, PLACE 1
RESTORED INVESTMENTS LLC	§	COLLIN COUNTY, TEXAS
BY SERVING DIANE M	_	
FERRANTE		
2300 PINEHURST DR		
FLWOER MOUND TX 75028		

THE STATE OF TEXAS TO **RESTORED INVESTMENTS LLC**; **PELLA CORPORATION**, DEFENDANT, in the hereinafter-styled and numbered cause:

You have been sued. You may employ an attorney to help you in defending against this lawsuit. But you are not required to employ an attorney. You or your attorney must file an answer with the court. Your answer is due by the end of the 14th day after the day you were served with these papers. If the 14th day is a Saturday, Sunday, or legal holiday, your answer is due by the end of the first day following the 14th day that is not a Saturday, Sunday, or legal holiday. Do not ignore these papers. If you do not file an answer by the due date, a default judgment may be taken against you. For further information, consult Part V of the Texas Rules of Civil Procedure, which is available online and also at the court listed on this citation.

This citation is issued pursuant to a petition filed by the above-named plaintiff on February 19, 2016.

Your answer may be filed with this court, located at 920 East Park Boulevard, Suite 220 Plano Texas 75074.

ISSUED this the 29th day of February, 2016.

SUAT TO

Chuck Ruckel Justice of the Peace, Precinct 3, Place 1 Collin County, Texas Case 4:16-cv-00208-ALM-CAN Document 1-2 Filed 03/25/16 Page 10 of 21 PageID #: 16

EXHIBIT 5

No. 1674603230	30-1(H40	**************************************		Signature of Purchaser (Drawer)  Signature of Purchaser (Drawer)  Name of Purchaser (Drawer)  OB 86409  Address  City, State, Zip		HOLD AT AN ANGLE TO VIEW WHEN CHECKING THE ENDORSEMENTS.				
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#### Cause No. 31-SC-16-00050

GEORGE MORRIS	S - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 -	IN THE JUSTICE COURT
VS.	<b>§</b>	PRECINCT 3, PLACE 1
PELLA CORPORATION	§	COLLIN COUNTY, TEXAS
BY SERVING CORPORATION		
SERVICE COMPANY		
211 E 7 <sup>TH</sup> ST, STE 620		
AUSTIN, TX 78701-3218		

THE STATE OF TEXAS TO **RESTORED INVESTMENTS LLC**; **PELLA CORPORATION**, DEFENDANT, in the hereinafter-styled and numbered cause:

You have been sued. You may employ an attorney to help you in defending against this lawsuit. But you are not required to employ an attorney. You or your attorney must file an answer with the court. Your answer is due by the end of the 14th day after the day you were served with these papers. If the 14th day is a Saturday, Sunday, or legal holiday, your answer is due by the end of the first day following the 14th day that is not a Saturday, Sunday, or legal holiday. Do not ignore these papers. If you do not file an answer by the due date, a default judgment may be taken against you. For further information, consult Part V of the Texas Rules of Civil Procedure, which is available online and also at the court listed on this citation.

This citation is issued pursuant to a petition filed by the above-named plaintiff on February 19, 2016.

Your answer may be filed with this court, located at 920 East Park Boulevard, Suite 220 Plano Texas 75074.

ISSUED this the 29th day of February, 2016.

THE REPORT OF THE PARTY OF THE

Chuck Ruckel Justice of the Peace, Precinct 3, Place 1 Collin County, Texas Case 4:16-cv-00208-ALM-CAN Document 1-2 Filed 03/25/16 Page 12 of 2

EXHIBIT 6

Cause No.: 31SC1600050

{} {} In the Justice Court 3-1 COLLIN County

Plaintiff:

GEORGE MORRIS

Defendant:

PELLA CORPORATION

### Officer's Return

Came to hand March 02, 2016 at 10:28 A.M. and executed in Travis County, Texas, on March 02, 2016 at 2:41 P.M. by delivering to RESTORED INVESTMENTS LLC; PELLA CORPORATION by delivering to its registered agent, Corporation Service Company d/b/a CSC Lawyers Incorporating Service Company, at 211 E. 7th Street, Suite 620, Austin, Texas 78701, by delivering to SUE VERTREES, designated agent for service, a true copy of the citation together with an accompanying copy of the plaintiff's petition.

Carlos B. Lopez, Travis County Constable Precinct 5 Travis County, Texas

by: Deputy

USTICE COURT PCT 3

CERTIF THAT THIS DOGUMENT IS NOT ROUND CORNECT COPY OF THE RECORDS OF THE SUNTING COPY OF THE PEACE COURT FOT. THESE PLACE ONE OF COLUMN THE OFFICE OF THE COURT.

JUSTICE COURT PCT, 3-1



Carlos B. Lopez, Constable Travis County Constable Precinct 5 1003 Guadalupe Austin, Texas 78701 March 03, 2016

JUSTICE COURT #3-2 COLLIN 920 E PARK BLVD STE 220 PLANO, TX 75074

## INVOICE

Cause Nbr: 31SC1600050-1 Plaintiff: GEORGE MORRIS

Service Name: PELLA CORPORATION

Service Fee: 75.00

Payment Received: 75.00

Balance Due: 0.00

Thank you for allowing us to be of service to you in this case.

2016 MAR -8 AN 7: 58
JUSTICE COURT PCT 3-

Check the status of your civil process at www.Constable5.com
Be sure to bookmark the ServiceCheck page

## Cause No. 31-SC-16-00050

GEORGE MORRIS

VS.

PELLA CORPORATION

BY SERVING CORPORATION

SERVICE COMPANY

211 E 7<sup>TH</sup> ST, STE 620

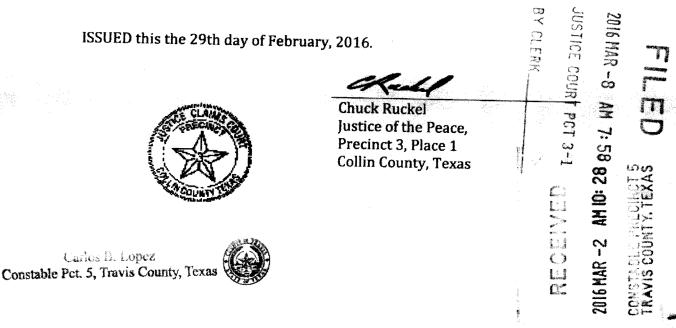
AUSTIN, TX 78701-3218

THE STATE OF TEXAS TO **RESTORED INVESTMENTS LLC**; **PELLA CORPORATION**, DEFENDANT, in the hereinafter-styled and numbered cause:

You have been sued. You may employ an attorney to help you in defending against this lawsuit. But you are not required to employ an attorney. You or your attorney must file an answer with the court. Your answer is due by the end of the 14th day after the day you were served with these papers. If the 14th day is a Saturday, Sunday, or legal holiday, your answer is due by the end of the first day following the 14th day that is not a Saturday, Sunday, or legal holiday. Do not ignore these papers. If you do not file an answer by the due date, a default judgment may be taken against you. For further information, consult Part V of the Texas Rules of Civil Procedure, which is available online and also at the court listed on this citation.

This citation is issued pursuant to a petition filed by the above-named plaintiff on February 19, 2016.

Your answer may be filed with this court, located at 920 East Park Boulevard, Suite 220 Plano Texas 75074.



920 East Park Blvd, Ste 220, Plano, Texas Ph#972-881-3001 Fax#972-881-3157 Website: <a href="www.collincountytx.gov">www.collincountytx.gov</a> Email: JP3\_1admin@collincountytx.gov

pd \$15.00 #1674603230

EXHIBIT 7

Cause No. 31-SC-16-00050

GEORGE MORRIS,	§	JUSTICE OF THE PEACE
Plaintiff,	<b>§</b> <b>§</b> <b>§</b>	
vs.	8 8	PRECINCT NO. 3-1  BY CLE  RAR  T
RESTORED INVESTMENTS, LLC; PELLA CORPORATION,	Ø	ERK COURT
Defendants.	8	COLLIN COUNTY, TEXAS PO 3

# **DEFENDANT PELLA CORPORATION'S ORIGINAL ANSWER**

Defendant files its original answer, and states:

- Subject to such admissions and stipulations as may be made at or before time of trial,
  Defendant denies generally and specially the material allegations in Plaintiff's Petition,
  pursuant to Tex. R. Civ. P. 92, and demands strict proof thereof in accordance with the
  requirements of the laws of this state.
- 2. Defendant requests the following relief:
  - a. that Plaintiff take nothing by reason of his suit;
  - b. that Defendant be dismissed with its costs; and
  - c. that Defendant have such other and further relief, both general and special, at law and in equity, to which it may show itself justly entitled.

CLERK OF COURT

COURT FOR THIS DOCUMENT IS A TRUE AND COR SECTION OF THE COURT FOR THE RECORDS OF THE JUSTICE OF THE PEACETY OF THE PRECION OF THE COURT, TEXAS

CLERK OF COURT

JUSTICE COURT PCT. 3-1

JUSTICE COURT, TEXAS

Respectfully submitted,

/s/ Kelley C. Cox
Kelley C. Cox
State Bar No. 24092291
kelley.cox@dentons.com
Dentons US LLP
2000 McKinney Avenue, Suite 1900
Dallas, TX 75201-1858
(214) 259-0900 -- Telephone
(214) 259-0910 -- Facsimile

ATTORNEY FOR DEFENDANT PELLA CORPORATION

JUSTICE COURT P

### **CERTIFICATE OF SERVICE**

I certify that on March 16, 2016, the foregoing document was served via United States mail and email upon the following:

George Morris P.O. Box 864091 Plano, Texas 75086 DNC.Violations@gmail.com

Todd Albin
Albin Roach, PLLC
5665 Dallas Parkway, Suite 200
Frisco, TX 75034
Phone: 214-423-5100
talbin@albinroach.com
Counsel for Co-Defendant,
Restored Investments, LLC

JUSTICE COURT PCT 3-1

2016 MAR 16 PM 1: 01

/s/ Kelley C. Cox

大成DENTONS

Dentons US LLP 2000 McKinney Avenue Suite 1900 Dalles, TX 75201-1858 USA

T +1 214 259 0900 F +1 214 259 0910

#### **FAX TRANSMISSION**

Total pages including this cover sheet: 4

T: 972.801.3001 F: 972.881.3157

To: Clerk, Collin County, Precint No. 3-1
From: Kelley COX

Original Answer

Cause No. 31-SC-16-00050

I CERTIFY THAT THIS DOCUMENT IS A TRUE AND CORRECT COPY OF THE RECORDS OF THE JUSTICE OF THE PEACE COURT FCT. THREE PLACE ONE OF COLLIN COUNTY, TEXAS AND THAT THE ORIGINAL DOCUMENT IS IN THE OFFICE OF THE COURT.

CLERK OF COURT

JUSTICE COURT PCT. 3-1 COLLIN COUNTY, TEXAS

SE COLLIN CHIMITY, YEAR

Dentons is an international legal practice providing client services worldwide through its member firms and affiliates. This fax transmission and any accompanying documents may be confidential and protected by legal privilege. If you do not receive all of the pages of this fax or it any part is litegible, please call. If you are not the intended recipient, disclosure, copying, distribution and use are prohibited; please notify us immediately and destroy all copies.

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JUSTICE COURT PCT 3

#### CAUSE NO. 31-SC-16-00050

GEORGE MORRIS,	§	JUSTICE OF THE PEACE
	§	
Plaintiff,	§	
	§	
<b>v.</b>	§	PRECINCT NO. 3-1
	§	
	§	
RESTORED INVESTMENTS,	§	
LLC; PELLA CORPORATION,	§	
Defendants.	§	COLLIN COUNTY, TEXAS

## **DEFENDANT'S ORIGINAL ANSWER**

**NOW COMES** Defendant, Restored Investments, LLC, named Defendant in the above-entitled and numbered cause, and files this Original Answer, and shows the Court:

#### **GENERAL DENIAL**

Defendant denies each and every allegation of Plaintiff's Original Petition, and demands strict proof thereof as required by the Texas Rules of Civil Procedure.

#### **PRAYER**

Defendant prays the Court, after notice and hearing or trial, enters judgment in favor of Defendant, awards Defendant the costs of court, attorney's fees, and such other and further relief as Defendant may be entitled to in law or in equity.



## Respectfully submitted,

Albin Roach, PLLC

By: /s/ W. Todd Albin

W. Todd Albin
Texas Bar No. 00795214
Email: talbin@albinroach.com

5665 Dallas Parkway Suite 200

Frisco, TX 75034 Tel. (214) 423-5100 Fax. (214) 423-5111

ATTORNEY FOR DEFENDANT RESTORED INVESTMENTS

## **CERTIFICATE OF SERVICE**

I certify that on March 21, 2016, the foregoing document was served via United States mail and email upon the following:

George Morris
P.O. Box 864091
Plano, Texas 75086
DNC.Violations@gmail.com

Kelley C. Cox
Dentons US LLP
2000 McKinney Avenue, Suite 1900
Dallas, Texas 75201-1858
Phone: (214) 259-0900
Kelley.cox@dentons.com
Counsel for Co-Defendant,
Pella Corporation

/s/ W. Todd Albin

W. Todd Albin